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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/898,958

07/03/2001

Jack V. Smith

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21901

7590

08/18/2011

Smith & Hopen, P.A.

Attn: General Patent Matters

180 Pine Avenue North

Oldsmar, FL 34677

EXAMINER

PAGAN, JENINE MARIE

ART UNIT

PAPER NUMBER

3728

NOTIFICATION DATE

DELIVERY MODE

08/18/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/898,958	Applicant(s) SMITH, JACK V.	
	Examiner JENINE PAGAN	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,13-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 8-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6,13-15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action acknowledges the applicant's amendment filed on 5/18/2011. Claims 1-6, 8-10, 13-15 and 18 are pending in the application. Claims 7, 11-12 and 16-17 are cancelled. Claims 1-5 and 8-10 are withdrawn from consideration.

The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 112

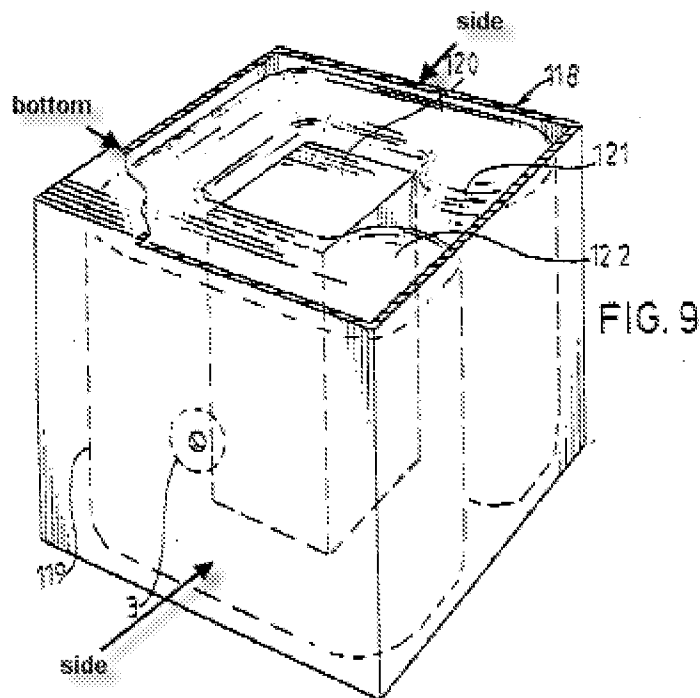
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 recites the limitation "said first inflatable bladder" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. Claims 6, 13-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schram US 4,966,185 in view of Kim US 5,624,035 and further in view of Slepian US 6,182,826 B1.



Claim 6: Schram discloses a box 118 having a hollow interior defined by a top wall, a bottom wall, and sidewalls interconnecting said top and bottom walls; an inflatable bladder 119 affixed within said hollow interior of said box, said inflatable bladder including a bottom portion and side portions extending from said bottom portion to form an interior space having an open top when in a first deflated position, said side portions being substantially normal to said bottom portion and extending substantially along a length of said sidewalls of said box in said first deflated position; an opening formed in said box (see figure above); a valve 3 disposed in sealing engagement with said opening (Col 2:37-42); said inlet port being in fluid communication with said inflatable bladder so that said inflatable bladder is inflated when said source of gaseous fluid under pressure is connected to said inlet port; and said inflatable bladder having a second inflated

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position when said box is in a closed position, said side portions of said inflated bladder engulf said item 120 being shipped by filling in said open top when in said second inflated position. (Fig. 9)

In Schram in Col 2:37-42, discloses the inflatable body is incorporated into the packaging wall at the valve; therefore, the inflatable bladder is attached to the interior of the box.

However, alternatively, Kim also teaches that it was known in the art to attach a bladder to the interior of a box.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the bladder of Schram to be affixed to the interior of the box as taught by Kim, since Kim suggests at Figs. 1 and 2 that such a modification would prevent the bladder from shifting during transport.

Schram discloses a valve in sealing engagement with said opening but it does not specifically disclose the valve is normally closed and having an inlet port external to said box.

However Slepian teaches that it was known in the art to have an inlet port 36 external to the container and have the valve 38 be a normally closed valve.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the inlet port and valve to be external to the box and have the valve be normally closed valve as taught by Slepian, since Slepian suggests at Col 6:34-49 that such a modification would provide easier access to

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the valve and would prevent the valve from leaking air while pressure is applied to the bladder.

Claim 13: Schram discloses said box (see figure above) being made of a rigid material.

(The box 118 retains its shape when the bladder is inflated therefore it is considered to be made of a rigid material.)

Claim 14: Schram discloses said box being made of a semi-rigid material.

(The box 118 is folded at the edges therefore it is considered to be made of a semi-rigid material.)

Claim 15: Schram discloses it is in fluid communication with an outside source for operation but it does not specifically disclose a hand pump in fluid connection with the inflatable bladder.

However Slepian teaches that it was known in the art to provide a hand pump 34 in fluid connection with an inflatable bladder 28.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the package of Schram by providing a hand pump to provide fluid communication to the inflatable bladder as taught by Slepian, since Slepian suggests at Col 6:34-49 that such a modification would provide an alternative method of inflating the bladder.

Claim 18: Schram does not specifically disclose a bleed valve disposed in fluid communication with said inflatable bladder.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a bleeder valve to the bladder of Schram since it was known in the art that doing such would provide an easy way to remove air from the bladder.

Response to Arguments

5. Applicant's arguments with respect to claims 6, 13-15 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENINE PAGAN whose telephone number is (571)270-3216. The examiner can normally be reached on Monday - Thursday, 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mickey Yu/
Supervisory Patent Examiner, Art Unit 3728

/Jenine M Pagan/
Examiner, Art Unit 3728